

Town of Henlopen Acres

104 Tidewaters
Henlopen Acres, DE 19971

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MINUTES: The Board of Commissioners of the Town of Henlopen Acres held a Virtual Special Meeting at **9:00am on Wednesday, April 21, 2021** at Town Hall, 104 Tidewaters, Henlopen Acres, Delaware.

PRESENT:	Joni Reich	Mayor
	Beatrix Richards	Commissioner
	Richard Thompson	Commissioner
	Tim Hidell	Commissioner
	John Staffier	Commissioner
	Jeffrey Jacobs	Commissioner
	Andrew Brittingham	Commissioner
	Glen Mandalas	Solicitor
	Thomas Roth	Town Manager
	Lisa Michaels	Town Clerk

[Minutes are Not Verbatim]

1. Call to order, Pledge of Allegiance

The meeting was called to order at 9:00am by Mayor Joni Reich.

2. Discussion and possible action related to a public hearing held by Sussex County Planning & Zoning Board

Mayor Reich prepared a packet of information for the Commissioners regarding the application Canal Pointe Development submitted to Sussex County to remove a zoning condition that would allow a dock to be installed. Mayor Reich reviewed the packet with the Commissioners and the concerns that were being raised by several Henlopen Acres residents. Any property within 200 feet was supposed to receive written notification of the upcoming public hearing, yet many residents did not. Canal Pointe homeowner's association is requesting that Condition 15, that was placed on the community prior to its development, be removed, which prohibited the erecting of any piers, docks, boat ramps or other water related recreational facilities. The community is proposing to build a 8' x 30' dock for launching kayaks. It appears this will be erected in the vicinity of protected wetlands. Several issues that have been raised by Town residents: 1. Why Condition 15 was placed on Canal Pointe prior to development, 2. Has the 100 ft buffer been maintained that was required at the completion of the development? 3. Is the proposed dock going to be built within the protected wetlands, and 4. Is there a safety issue with kayaks entering the canal alongside heavy boat traffic. Mayor Reich also mentioned the possibility of extensive noise with the volume of homeowners that would be using the dock and related facilities. The Commissioners had an extensive discussion raising several other potential issues. Commissioner Jeff Jacobs noted that the proposed dock is 400 ft from the parking lot which he feels is a long way to carry a kayak. This opens the potential for kayak racks and storage to be

built. Commissioner John Staffier questioned why the Army Corp of Engineers would not review the environmental issues that installing the dock could present. Commissioner Richard Thompson would like to see the Town support the residents' concerns. It should be noted that a small group of residents have hired an attorney from Baird, Mandalas and Brockstedt Law firm to represent them in opposition to the proposed dock. Mayor Reich opens the meeting to comments from residents.

Martin Clark-59 Tidewaters

Mr. Clark feels secret service should be notified and is also concerned that the dock is being built on the narrowest part of the canal.

Bob Reed-57 Tidewaters

Mr. Reed feels the primary question is why Condition 15 was applied to the subdivision originally and what has changed that the condition should be lifted? He also does not feel the dock will be used to launch kayaks as its design and location will make getting into a kayak too difficult. Rehoboth Beach has just completed a new dock in close proximity that residents of Canal Pointe can launch a kayak from.

Town Solicitor Glen Mandalas noted the Rehoboth Beach Commissioners are working on an Ordinance that will establish the rules and regulations for the new dock.

Mayor Reich would like the Commissioners to decide if the Town should take a position on the dock being proposed by Canal Pointe. She feels that there are several unanswered questions that should be addressed before the dock is approved by the County. Why weren't all residents within 200 yards notified? Are the wetlands along the bank of the canal being properly protected? Why was Condition 15 originally placed on the development of Canal Pointe and what has changed that would allow it to be removed? Mayor Reich also feels that if approved Canal Pointe could continue to add more waters features in the future. She feels if anything is approved by the County it should be minimal water access for kayaks only. Mayor Reich believes the Town should take a position against Canal Pointe's proposed dock. Mr Staffier agrees it is a Town matter and that there are still several unanswered questions. Commissioner Andrew Brittingham also agrees it is a Town matter. Mr. Jacobs is also in agreement and noted that with 617 homes, which includes single family homes, town houses and condos, possibly having access to the new waterfront park, there is the potential for thousands of people to use the facilities. Sussex County will only be approving the removal of Condition 15 this would then allow Canal Pointe to apply for approval of the dock through DNREC and the Army Corp of Engineers. Town Solicitor, Glen Mandalas noted that the Town will carry more weight taking a position against the application than individual homeowners. He believes the wetlands are already being breached with the newly constructed park and the addition of a dock will only exacerbate the problem. Mr. Thompson agrees and believes the Town has the responsibility to support the residents currently in opposition. Mayor Reich has agreed to draft a letter in conjunction with Mr. Mandalas, in opposition to the proposed project by Canal Pointe. She has asked the Commissioners if the Town should also endorse the letter drafted by Baird Mandalas and Brockstedt, who represents ten Henlopen Acres residents. The Commissioners agreed the Town should not formally endorse the position held by the ten residents, but should support the concerns raised by the residents and that will be added to the Town's letter. A **motion** to approve Glen Mandalas, Esq. and Mayor Joni Reich drafting a letter in opposition to the project

proposed by Canal Pointe was made by Mr. Staffier and seconded by Mr Thompson.
Motion passed unanimously.

3. Adjournment

A **motion** to adjourn was made at 9:50am by Mr Thompson and seconded by Mr. Hidell.

Also in Attendance Virtually:

Walter Stark	4 Rolling Road
Stephen O'Donnell	38 Rolling Road
Martin Clark	59 Tidewaters
Bob Reed	57 Tidewaters
Mike & Jean Stakias	51 Tidewaters
Patrick Hurson	3 Zwaanendael
Bill Biordi	42 Pine Reach
Henry DeWitt	55 Fields End
Robert Branson	69 Tidewaters
Shaw & Betsy Wilgis	32 Tidewaters
Freddie Noland	44 Pine Reach

APPROVED 07/09/21